

EXHIBIT 12

John Buse (SBN 163156)
Ross Middlemiss (SBN 323737)
CENTER FOR BIOLOGICAL DIVERSITY
1212 Broadway, Suite 800, Oakland, CA 94612
Tel: 510-844-7100
Fax: 510-844-7150
Email: jbuse@biologicaldiversity.org
rmiddlemiss@biologicaldiversity.org

Attorneys for Plaintiff Center for Biological Diversity

E. Robert Wright (SBN 51861)
LAW OFFICE OF E. ROBERT WRIGHT
909 12th Street, Suite 202
Sacramento, California 95814
Tel: (916) 557-1104
Fax: (916) 557-9669
Email: bwrightatty@gmail.com

Adam Keats (SBN 191157)
LAW OFFICE OF ADAM KEATS, PC
303 Sacramento Street, 2nd Floor
San Francisco, CA 94111
Tel: (415) 430-9403
Email: adam@keatslaw.org

Attorneys for Plaintiffs Restore the Delta and
Planning and Conservation League

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL DIVERSITY,
RESTORE THE DELTA and PLANNING AND
CONSERVATION LEAGUE,

Plaintiffs,

v.

UNITED STATES BUREAU OF
RECLAMATION, et al.,

Defendants.

Case No. 1:20-cv-00706-DAD-EPG

**STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Noticed Date: October 19, 2021
Noticed Time: 9:30 a.m.
Courtroom: 5-7th Floor-Fresno
Judge: Hon: Dale A. Drozd
Trial Date: None
Action Filed: May 20, 2020

25. Between February 28, 2020, and June 14, 2021, the following 68 contracts have been converted. Answer, ECF 60-1, ¶ 140 at p. 13 to Complaint ECF No. 25, ¶ 140 at pp. 28-34, and Answer, ¶¶ 20-80 at pp. 4-6 to Complaint ¶¶ 20-80 at pp. 10-17.²

Table A Contract Conversions Approved

Contractor	Contract No.	Date of Conversion	Acre-Feet Per Year
City of Folsom	6-07-20-W1372B-P	2/28/2020	7,000
City of Roseville	4-06-200-3474A-IRI-P	2/28/2020	32,000
East Bay Municipal Utility District	14-06-200-5183A-LTR1-P	2/28/2020	133,000 (To 165,000)
Placer County Water Agency	14-06-200-5082A-IRI-P	2/28/2020	35,000
Sacramento County Water Agency	6-07-20-W1372-P	2/28/2020	15,000
Sacramento County Water Agency	14-06-200-5198B-IR1-P	2/28/2020	30,000
Sacramento Municipal Utility District	14-06-200-5198A-IR1-P	2/28/2020	30,000
San Juan Water District	6-07-20-W1373-LTR1-P	2/28/2020	24,200
Westlands Water District	14-06-200-495A-IRI-P	2/28/2020	1,150,000
City of West Sacramento	0-07-20-W0187-P	5/26/2020	23,600
Westlands Water District Distribution District No. 1 (Broadview Assignment)	14-06-200-8092-IR5-P	5/29/2020	27,000
Westlands Water District Distribution District No. 1 (Centinella Assignment)	7-07-20-WO55B--IR5-P	5/29/2020	2,500
Westlands Water District Distribution District No. 1 (Widren Assignment)	14-06-200-8018B-IR5-P	5/29/2020	2,990

² Table A is taken from the Complaint with modifications as to quantities of water and other items set forth in Federal Defendants' Answer, ECF No. 60-1.

Westlands Water District Distribution District No. 2 (Mercy Springs Partial Assignment)	14-06-200-3365AC-IR5-P	5/29/2020	4,198
City of Shasta Lake	4-07-20-W1134-P	6/30/2020	4,400
Mountain Gate Community Services District	14-06-200-6998-P	6/30/2020	1,350
Shasta Community Services Dist.	14-06-200-862A-P	6/30/2020	1,000
Shasta County Water Agency	14-06-200-3367A-P	6/30/2020	1,022
City of Redding	14-06-200-5272A-P	8/11/2020	6,140
4-M Water District	0-07-20-W0183-P	9/15/2020	5,700
Bella Vista Water District	14-06-200-851A-P	9/15/2020	24,578
Colusa County Water District	1-07-20-W0220-P	9/15/2020	5,666
Colusa County Water District	14-06-200-304-A-P	9/15/2020	62,200
Corning Water District	14-06-200-6575-P	9/15/2020	15,000
Cortina Water District	0-07-20-W0206-P	9/15/2020	1,615
Dunnigan Water District	14-06-200-399-A-P	9/15/2020	19,000
Glide Water District	7-07-20-W0040-P	9/15/2020	10,500
Kanawha Water District	14-06-200-466-A-P	9/15/2020	45,000
La Grande Water District	0-07-20-W0190-P	9/15/2020	2,090
La Grande Water District	7-07-20-W0022-P	9/15/2020	5,000
Stony Creek Water District	2-07-20-W0261-P	9/15/2020	2,920
Centerville Community Services District	14-06-200-3367X-P	9/28/2020	2,900
Central San Joaquin Water Conservation District	4-07-20-W0330-P	9/28/2020	80,000
Davis Water District	14-06-200-6001A-P	9/28/2020	4,000

1	Del Puerto Water District	14-06-200-922-LTR1-P	9/28/2020	140,210
2	Glenn Valley Water District	1-07-20-W0219-P	9/28/2020	1,730
3	Myers-Marsh Mutual Water Company	1-07-20-W0225-P	9/28/2020	242
4	Orland-Artois Water District	14-06-200-8382A-P	9/28/2020	53,000
5	Stockton East Water District	4-07-20-W0329-P	9/28/2020	75,000
6	Westlands Water District (Oro Loma)	14-06-200-7823J-LTR1-P	9/28/2020	4,000
7	Westside Water District	14-06-200-8222-LTR1-P	9/28/2020	65,000
8	Banta-Carbona Irrigation District	14-06-200-4305A-LTR1-P	10/22/2020	20,000
9	Byron-Bethany Irrigation District	14-06-200-4305A-LTR1-P	10/22/2020	20,600
10	Eagle Field Water District	14-06-200-7754-LTR1-P	10/22/2020	4,550
11	Fresno Slough Water District	14-06-200-4019A-LTR1-P	10/22/2020	4,000
12	Holthouse Water District	1-07-20-W0224-P	10/22/2020	2,327
13	James Irrigation District	14-06-200-700-A-LTR1-P	10/22/2020	35,300
14	Santa Clara Valley Water District and Westlands Water District No. 1 (Mercy Springs 3-Way Partial Assignment)	14-06-200-3365AB-IR5-P	10/22/2020	6,260
15	Proberta Water District	14-06-200-7311-P	10/22/2020	3,500
16	Reclamation Dist. No. 1606	14-06-200-3802A-LTR1-P	10/22/2020	228
17	The West Side Irrigation District	7-07-20-W0045-LTR1-P	10/22/2020	5,000
18	Tranquility Irrigation District	14-06-200-701-A-LTR1-P	10/22/2020	13,800
19	West Stanislaus Irrigation District	14-06-200-1072-LTR1-P	10/22/2020	50,000
20	Patterson Irrigation District	14-06-200-3598A-LTR1-P	10/26/2020	16,500
21	Tranquility Public Utilities District	14-06-200-3537A-LTR1-P	10/26/2020	70
22	Clear Creek Community Services District	14-06-200-489-A-P	11/17/2020	15,300

Contra Costa Water District	175r-3401 A-LTR1-P	12/28/2020	195,000
Mercy Springs Water District	14-06-200-3365A-LTR1-P	12/28/2020	2,842
Pacheco Water District	6-07-20-W0469-P	12/28/2020	10,080
San Luis Water District	14-06-200-7773A-IR1-P	12/28/2020	125,080
County of Colusa	14-06-200-8310A-P	1/14/2021	914
El Dorado Irrigation District	14-06-200-1357A-LTR1-P	1/14/2021	7,550
Panoche Water District	14-06-200-7864A-IR1-P	1/14/2021	94,000
City of Avenal	14-06-200-4619A-IR1-P	1/22/2021	3,500
City of Coalinga	14-06-200-4173A-IR1-P	1/22/2021	10,000
City of Huron	14-06-200-7081A-IR3	1/22/2021	3,000
San Benito County Water District	8-07-20-W0130A-P	1/22/2021	43,800
California Department of Fish and Wildlife	14-06-200-8033A-IR1-P	Unknown date	10

26. As of June 14, 2021, Reclamation is in the process of converting 23 contracts. The following 23 contracts are in the process of being converted. Answer, ECF 60-1, ¶ 141 at p. 13 to Complaint ECF No. 25, ¶ 141 at pp. 34-35, and Answer, ¶¶ 81--101 at pp. 6-7 to Complaint ¶¶ 81-101 at pp. 34-35.³

Table B Contracts in Process of Conversion

Contractor	Contract No.	Acre-Feet Per Year
Carter Mutual Water Company	14-06-200-2401A	672
City of Lindsay	5-07-20-W0428-LTR1	2,500
City of Orange Cove	14-06-200-5230-LTR1	1,400
City of Tracy	14-06-200-7858A-IR1	20,000

³ Table B is taken from the Complaint with modifications as to quantities of water and other items set forth in Federal Defendants' Answer, ECF No. 60-1.

Conaway Preservation Group	14-06-200-7422A-R-1	672
County of Fresno	14-06-200-8292A-IR17	3,000
County of Madera	14-06-200-2406A-LTR1	200
County of Tulare	14-06-200-8293A-IR17	5,308
Feather Water District	14-06-200-171-A-LTR1	20,000
Hills Valley Irrigation District	14-06-200-8466A-IR17	3,346
International Water District	14-06-200-585A-LTR1 & Amend	1,200
Kern-Tulare Water District	14-06-200-8367A-IR17A	13,300
Kern-Tulare Water District	14-06-200-8601A-IR17	40,000
Kirkwood Water District	7-07-20-W0056-LTR1	2,100
Laguna Water District	2-07-20-W0266-LTR1	800
Lower Tule River Irrigation District	14-06-200-8237A-IR17	31,102
Maxwell Irrigation District	14-06-200-6078A-R-1	6,000
Pixley Irrigation District	14-06-200-8238A-IR17	31,102
Reclamation District No. 1004	14-06-200-890A-R-1	15,000
Sycamore Mutual Water Company	14-06-200-2146A-R-1	9,800
The Coelho Family Trust	14-06-200-7859A-LTR1	2,080
Tri Valley Water District	14-06-200-8565A-IR17	1,142
Santa Clara Valley Water District	7-07-20-W0023A	152,500

27. Pursuant to the 68 contracts Reclamation has converted, Reclamation would be obligated to deliver about 2,952,962 acre-feet of water through the CVP to those contractors each year.

28. Pursuant to the 23 contracts Reclamation is in the process of converting, Reclamation would be obligated to deliver about 450,924 acre-feet of water through the CVP to those contractors each year.